

**IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI**

**NO. 2007-CP-00128-COA**

**ALEX JUNE DAVIS**

**APPELLANT**

**v.**

**STATE OF MISSISSIPPI**

**APPELLEE**

DATE OF JUDGMENT:	12/29/2006
TRIAL JUDGE:	HON. ANN H. LAMAR
COURT FROM WHICH APPEALED:	TATE COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	ALEX JUNE DAVIS (PRO SE)
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: LADONNA C. HOLLAND
NATURE OF THE CASE:	CIVIL - POST-CONVICTION RELIEF
TRIAL COURT DISPOSITION:	DENIED MOTION FOR POST-CONVICTION RELIEF
DISPOSITION:	AFFIRMED - 11/06/2007
MOTION FOR REHEARING FILED:	
MANDATE ISSUED:	

**BEFORE LEE, P.J., IRVING AND ROBERTS, JJ.**

**LEE, P.J., FOR THE COURT:**

**FACTS AND PROCEDURAL HISTORY**

¶1. On April 18, 2006, in the Tate County Circuit Court, Alex June Davis pled guilty to one count of felon in possession of a deadly weapon. In return, the State dropped a pending kidnaping charge against Davis. Davis waived his right to have the matter submitted to a grand jury and accepted a bill of information as the charging instrument. The trial court sentenced Davis to serve three years in the custody of the Mississippi Department of Corrections as a habitual offender pursuant to Mississippi Code Annotated Section 99-19-81 (Rev. 2000).

¶2. Davis subsequently filed a motion for post-conviction relief. After reviewing the pleadings and court files, the trial court dismissed Davis's motion pursuant to Mississippi Code Annotated Section 99-39-11(2) (Rev. 2000). Davis now appeals to this Court asserting the following issues: (1) the search warrant was invalid; (2) his right to an initial appearance was violated; and (3) there was insufficient evidence to convict him. Finding no error, we affirm.

#### STANDARD OF REVIEW

¶3. A trial court's denial of post-conviction relief will not be reversed absent a finding that the trial court's decision was clearly erroneous. *Smith v. State*, 806 So. 2d 1148, 1150 (¶3) (Miss. Ct. App. 2002). However, when issues of law are raised, the proper standard of review is de novo. *Brown v. State*, 731 So. 2d 595, 598 (¶6) (Miss. 1999).

#### DISCUSSION

I. WAS THE SEARCH WARRANT INVALID?

II. WAS DAVIS'S RIGHT TO AN INITIAL APPEARANCE VIOLATED?

III. WAS THE EVIDENCE SUFFICIENT TO PROVE DAVIS GUILTY?

¶4. Upon the entry of a valid guilty plea, certain challenges are waived by the defendant. In Davis's case, all of his issues on appeal were waived when he pled guilty to felon in possession of a deadly weapon. We note that Davis does not argue that his guilty plea was invalid. Certain Fourth Amendment violations, including illegal searches, are waived by a guilty plea. *King v. State*, 738 So. 2d 240-41 (¶¶4-5) (Miss. 1999); *Thornhill v. State*, 919 So. 2d 238, 241 (¶16) (Miss. Ct. App. 2005). Davis waived his right to an initial appearance. *Battaya v. State*, 861 So. 2d 364, 366 (¶¶7-8) (Miss. Ct. App. 2003). Davis has also waived his right to challenge the sufficiency of the State's evidence. *Young v. State*, 797 So. 2d 239, 246 (¶17) (Miss. Ct. App. 2001). For the foregoing reasons, we find no merit to Davis's issues on appeal.

**¶5. THE JUDGMENT OF THE TATE COUNTY CIRCUIT COURT DENYING THE MOTION FOR POST-CONVICTION RELIEF IS AFFIRMED. ALL COSTS OF THIS APPEAL ARE ASSESSED TO TATE COUNTY.**

**KING, C.J., MYERS, P.J., IRVING, CHANDLER, GRIFFIS, BARNES, ISHEE, ROBERTS AND CARLTON, JJ., CONCUR.**